

PRELIMINARY AMENDMENT
U.S. Appln. No. 09/822,310

43. (New) A navigation method according to claim 42, wherein audio data is to be stored in the recording medium.

44. (New) A navigation method according to claim 42, wherein the first predetermined condition is a condition of no navigation operation.

45. (New) A navigation method according to claim 42, wherein the first predetermined condition is a condition that a user instructs the defragment operation.

46. (New) A navigation method according to claim 42, wherein the second predetermined condition is a condition that the defragment operation is completed.

47. (New) A navigation method according to claim 42, wherein the second predetermined condition is a condition of an engine-stop of a vehicle in which the navigation apparatus is installed.

*By
Concluded*

REMARKS

**I. Rejection under 35 U.S.C. § 102(e) over U.S.P. 6,073,076 to Crowley et al.
("Crowley")**

In the Office Action dated September 9, 2002, the Examiner rejected claims 1-28 under 35 U.S.C. § 102(e) as being anticipated by Crowley.

PRELIMINARY AMENDMENT
U.S. Appln. No. 09/822,310

A. Claim 1

Applicants submit that claim 1 is patentable over Crowley. For example, claim 1 comprises a providing device and a defragmenting processing device. The providing device provides a position to which a head is made to retract from a portion on a storage device. The defragmenting processing device continuously arranges specific data in the vicinity of the retracted position when defragmenting processing is performed. Thus, the defragment processing is performed in the light of a position of the head. In contrast, Crowley fails to disclose that defragmentation is performed in the light of a position of a head. Accordingly, Crowley does not teach or suggest the features recited in claim 1.

B. Claims 2 and 3

Since claims 2 and 3 depend upon claim 1, Applicants submit that they are patentable at least by virtue of their dependency.

C. Claim 4

Since claim 4 has been cancelled without prejudice or disclaimer, the rejection of such claim is moot.

D. Claims 5-7 and 16

Since claims 5-7 and 16 depend upon claim 1, Applicants submit that they are patentable at least by virtue of their dependency.

PRELIMINARY AMENDMENT
U.S. Appln. No. 09/822,310

E. Claim 17

Since claim 17 contains features that are similar to the features recited in claim 1, Applicants submit that claim 17 is patentable for similar reasons.

F. Claims 18-22

Since claims 18-22 depend upon claim 17, Applicants submit that they are patentable at least by virtue of their dependency.

G. Claim 23

Since claim 23 contains features that are similar to the features recited in claim 1, Applicants submit that claim 23 is patentable for similar reasons.

H. Claims 24-28

Since claims 24-28 depend upon claim 23, Applicants submit that they are patentable at least by virtue of their dependency.

II. Newly added claims

Applicants have added new claims 29-47 to provide more varied protection for the present invention.

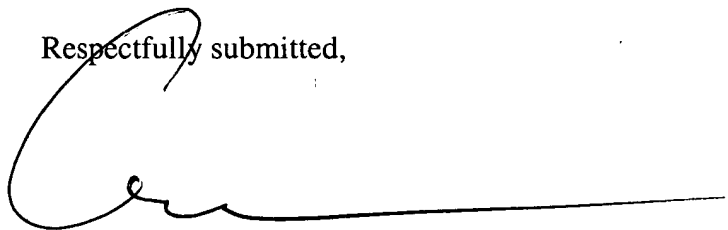
PRELIMINARY AMENDMENT
U.S. Appln. No. 09/822,310

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Grant K. Rowan', written over a horizontal line.

Grant K. Rowan
Registration No. 41,278

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Date: May 8, 2003

APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

The claims have been amended as follows:

1. (Once amended) A navigation system performing navigation based on a detected current position and map data, the navigation system comprising;

a storage device, which is nonvolatile, from and into which files of map data are able to be read and written;

a navigation control device for controlling a navigation operation using the map data;

a head for reading and writing information from and into the storage device;

a providing device for providing a position to which the head is made to retract from a

portion on the storage device; and

a defragmenting processing device for performing a defragmenting processing with the storage device at a predetermined time,

wherein the defragmenting processing device continuously arranges specific data in the vicinity of the retracted position when the defragmenting processing is performed.

17. (Once amended) A navigation apparatus performing a navigation operation based on a current position and map data, the navigation apparatus comprising:

a recording medium which stores the map data,

a head for reading and writing information from and into the recording medium;

PRELIMINARY AMENDMENT
U.S. Appln. No. 09/822,310

a providing device for providing a position to which the head is made to retract from a portion on the recording medium; and

a controller which controls the navigation operation based on the map data,

wherein the controller performs a defragment operation for the recording medium at a first predetermined condition and stops the defragment operation at a second predetermined condition, and

wherein the defragment operation continuously arranges specific data in the vicinity of the retracted position.

23. (Once amended) A navigation method performing a navigation operation based on a current position and map data, the navigation method comprising:

performing the navigation operation based on the map data stored in a recording medium,

providing a position to which a head, which reads and writes information from and into the recording medium, is made to retract from a portion on the recording medium,

performing a defragment operation at a first predetermined condition, and

stopping the defragment operation at a second predetermined condition,

wherein the defragment operation continuously arranges specific data in the vicinity of the retracted position.